

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kaitlin Campbell	Team: Squad #13	CCRB Case #: 201705878	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/01/2017 6:00 AM	Location of Incident: [REDACTED]	Precinct: 90	18 Mo. SOL 12/1/2018	EO SOL 12/1/2018	
Date/Time CV Reported Wed, 07/19/2017 8:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/19/2017 8:09 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Leonard Clarke	27183	940013	084 PCT
2. SGT Jose Rodriguez	04920	923057	INT CIS
3. POM Kellan Oneill	10409	952069	PSA 3
4. DTS Shawn Soler	05036	927537	E S U

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Lawrence Hotaling	02671	897695	084 PCT
2. POM Gerard Fenton	06680	951725	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leonard Clarke	Abuse: Police Officer Leonard Clarke entered and searched § 87(2)(b) in Brooklyn.	[REDACTED]
B.DTS Shawn Soler	Abuse: Detective Shawn Soler damaged § 87(2)(b)'s property.	[REDACTED]
C.SGT Jose Rodriguez	Abuse: Sergeant Jose Rodriguez failed to show the search warrant to § 87(2)(b)	[REDACTED]
D.POM Kellan Oneill	Abuse: Police Officer Kellan O'Neill damaged § 87(2)(b)'s property.	[REDACTED]
E.POM Leonard Clarke	Abuse: Police Officer Leonard Clarke damaged § 87(2)(b)'s property.	[REDACTED]
F.POM Leonard Clarke	Abuse: Police Officer Leonard Clarke threatened to arrest § 87(2)(b) and § 87(2)(b)	[REDACTED]
G.POM Leonard Clarke	Abuse: Police Officer Leonard Clarke threatened to notify Administration for Children's Services.	[REDACTED]
H.POM Leonard Clarke	Discourtesy: Police Officer Leonard Clarke spoke discourteously to § 87(2)(b)	[REDACTED]

Case Summary

On July 20, 2017, § 87(2)(b) filed this complaint through the CCRB's online form (Board Review 01).

On June 1, 2017, at approximately 6:00 a.m., a nine-person NYPD Emergency Services Unit (ESU) team and a six-person Patrol Borough Brooklyn North Field Intelligence Operations (FIO) team executed a no-knock search warrant requested by Police Officer Leonard Clarke at § 87(2)(b) in Brooklyn (**Allegation A: Abuse of Authority**, § 87(2)(g)). ESU officers handcuffed § 87(2)(b) and § 87(2)(b) and her infant daughter were not handcuffed. ESU Detective Shawn Soler cracked the wood at the base of § 87(2)(b)'s bedroom door and put holes in the wall behind the door (**Allegation B: Abuse of Authority**, § 87(2)(g)). Brooklyn North FIO officers brought everyone into the living room as the search, supervised by Sergeant Jose Rodriguez, was conducted. § 87(2)(b) asked Sgt. Rodriguez to see a search warrant and he refused to show her a search warrant (**Allegation C: Abuse of Authority**, § 87(2)(g)). Police Officer Kellan O'Neill and PO Clarke broke the tracks inside § 87(2)(b)'s dresser (**Allegations D and E: Abuse of Authority**, § 87(2)(g)). A gun was found in the backyard behind the apartment that officers alleged § 87(2)(b) threw out of his window and § 87(2)(b) and § 87(2)(b) were arrested and both charged with criminal possession of a firearm. PO Clarke threatened to arrest § 87(2)(b) and § 87(2)(b) and to notify the NYC Administration for Children's Services (ACS) that they kept an infant and firearm in the same house (**Allegations F and G: Abuse of Authority**, § 87(2)(g)). PO Clarke picked up a bag of white powder on the kitchen table and asked what it was. § 87(2)(b) told PO Clarke it was baking soda and PO Clarke said, "Fuck it, if it's cocaine, we'll just put it on § 87(2)(b) (**Allegation H: Discourtesy**, § 87(2)(g)).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Leonard Clarke entered and searched § 87(2)(b) in Brooklyn.

It is undisputed that PO Clarke entered and searched § 87(2)(b) on June 1, 2017, and that § 87(2)(b) issued to him Kings County search warrant § 87(2)(b) on § 87(2)(b) to do so (Board Review 02). It is therefore recommended that **Allegation A** be closed as § 87(2)(g).

Allegation B – Abuse of Authority: Detective Shawn Soler damaged § 87(2)(b)'s property.

It is undisputed Det. Soler breached § 87(2)(b)'s bedroom door and that the door swung open into the room. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) said that the wood paneling at the base of § 87(2)(b)'s door was cracked, and § 87(2)(b) said there were holes in the wall behind the door made by the impact of the doorknob. § 87(2)(b) said § 87(2)(b)'s door was locked and Det. Soler kicked it three times. § 87(2)(b) said § 87(2)(b)'s door was unlocked.

The photos of the damage § 87(2)(b) provided show wood paneling at the base of the door split and fraying, and cracks, rather than holes, in the wall (Board Review 03). According to an associate at § 87(2)(b), § 87(2)(b) requested repairs for a bedroom door and

bedroom wall around October 13, 2017, about two-and-a-half months after the incident (Board Review 04).

Det. Soler did not remember whether § 87(2)(b)'s bedroom door was locked but said he would have broken the door if it was locked. Det. Soler, along with PO Clarke and PO O'Neill who searched the room, did not remember whether the door or wall behind the door was damaged.

§ 87(2)(b), § 87(2)(g)

Allegation C – Abuse of Authority: Sergeant Jose Rodriguez failed to show the search warrant to § 87(2)(b)

It is undisputed that § 87(2)(b) asked to see a copy of the search warrant in the living room while the search was being conducted. § 87(2)(b) said officers initially “ignored her” but that eventually an officer matching the description of PO Clarke threw her a “balled up piece of paper” that she opened which showed § 87(2)(b)'s photo and pedigree information. § 87(2)(b) said PO Clarke held up a paper in front of him and § 87(2)(b) that showed § 87(2)(b)'s name but PO quickly withdrew the paper.

PO Clarke said he showed § 87(2)(b) a copy of the search warrant about fifteen minutes after she asked to see it, and that he had to retrieve it from his car, parked outside. Sgt. Rodriguez said every officer in the apartment was given a copy of the search warrant, stapled to the TAC plan they all reviewed before arriving to the location. Sgt. Rodriguez said he ripped off his copy of the warrant and handed it to § 87(2)(b) after the search was completed.

Patrol Guide Procedure 221-17 states that the member of service executing the search warrant should, when able to do so safely, show a copy of the search warrant upon request (Board Review 05). This allegation is being pleaded against Sgt. Rodriguez because he supervised the execution of the search warrant.

§ 87(2)(b), § 87(2)(g)

Allegation D – Abuse of Authority: Police Officer Kellan O'Neill damaged § 87(2)(b)'s property.

Allegation E – Abuse of Authority: Police Officer Leonard Clarke damaged § 87(2)(b)'s property.

It is undisputed that PO O'Neill and PO Clarke searched and removed the drawers from § 87(2)(b)'s dresser. § 87(2)(b), § 87(2)(g)

PO Clarke remembered removing the drawers of the dresser but denied breaking the tracks. PO O'Neill did not remember searching the dresser and also denied breaking the tracks.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation F – Abuse of Authority: Police Officer Leonard Clarke threatened to arrest

§ 87(2)(b) and § 87(2)(b)

Allegation G – Abuse of Authority: Police Officer Leonard Clarke threatened to notify Administration for Children's Services.

It is undisputed that PO Clarke threatened to arrest § 87(2)(b) and § 87(2)(b) and that he threatened to notify the NYC Administration for Children's Services (ACS) about § 87(2)(b)'s infant daughter.

§ 87(2)(b) and § 87(2)(b) said PO Clarke threatened to arrest them if § 87(2)(b) did not admit to owning the gun the officers found in the backyard.

PO Clarke said he told § 87(2)(b) and § 87(2)(b) he could arrest them because a gun was found in the location and that ACS would “probably be notified.” PO Clarke said he did not arrest § 87(2)(b) and § 87(2)(b) because the gun found allegedly came out of § 87(2)(b)'s window. PO Clarke ultimately notified ACS that a gun was found in an apartment where an infant lived.

Patrol Guide Procedure 208-01 states that an officer can arrest someone if reasonable cause exists that the person committed a crime (Board Review 07).

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 215-03 states that an officer can report suspected child maltreatment to ACS. Maltreatment is defined as a child under eighteen years of age whose guardian places the child in imminent danger of becoming impaired (Board Review 08).

§ 87(2)(b), § 87(2)(g)

Allegation H – Discourtesy: Police Officer Leonard Clarke spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that PO Clarke picked up a bag of white powder on the kitchen table and said to § 87(2)(b) “Fuck it, if it's cocaine, we'll put it on § 87(2)(b)

PO Clarke denied making such a statement.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b) and § 87(2)(b) have never filed a CCRB complaint.
- PO Clarke has been the subject of 12 prior CCRB complaints:
 - PO Clarke has had force, vehicle stop, and vehicle search allegations against him substantiated in case #200717254, and a vehicle stop allegation against him substantiated in case #200808476.
 - PO Clarke is currently a subject in CCRB case #201707608.
 - PO Clarke has had three threat-of-arrest allegations pled against him in cases #200616410, #200707739, and #201113726. Of his three prior discourtesy allegations cases #200616410 and #200808476 include use of the word “fuck.”
- Det. Soler has been the subject of three prior CCRB complaints. None of the allegations against him were substantiated and his CCRB history does not contain a pattern relevant to this case. Det. Soler is currently a subject in CCRB case #201709691.
- Sgt. Rodriguez has been the subject of four prior CCRB complaints. None of the allegations against him were substantiated and his CCRB history does not contain a pattern relevant to this case.
- PO O’Neill has been the subject of three prior CCRB complaints. In case #201410262 allegations that he detained a civilian were substantiated, disciplinary charges were recommended, a CCRB Administrative Prosecution Unit trial was conducted, and he was found guilty.

Squad: 13

Investigator: _____

Signature Print Date

Squad Leader: _____

Title/Signature	Print	Date
-----------------	-------	------

Reviewer:

Title/Signature

Print

Date